

*Draft Regulations laid before Senedd Cymru under section 209(5)(h) of the Historic Environment (Wales) Act 2023, for approval by resolution of Senedd Cymru.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2024 No. (W.)**

**HISTORIC ENVIRONMENT,  
WALES**

**The Historic Environment (Wales)  
Act 2023 (Consequential Provision)  
(Primary Legislation) Regulations  
2024**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Historic Environment (Wales) Act 2023 (“the 2023 Act”) consolidates the principal legislation for the conservation of the historic environment in Wales. The 2023 Act forms part of a code of law relating to the historic environment of Wales.

The main Acts brought together in that consolidation are the Historic Buildings and Ancient Monuments Act 1953 (c. 49), the Ancient Monuments and Archaeological Areas Act 1979 (c. 46), the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) (“the 1990 Act”) and the Historic Environment (Wales) Act 2016 (anaw 4).

Schedule 13 to the 2023 Act made minor and consequential changes to primary legislation. Regulation 3 inserts in Schedule 13 a consequential change to the Harbours Act 1964.

Regulation 4 omits provision which is not required.

Schedule 13 to the 2023 Act also made changes to the 1990 Act. The 1990 Act has since been further amended by the Levelling-Up and Regeneration Act 2023. Regulations 5 to 21 make further amendments to Schedule 13 to the 2023 Act in the light of those further amendments made by the Levelling-Up and Regeneration Act 2023. The amendments include repeals.

Schedule 14 to the 2023 Act makes transitional and saving provision. Regulation 22 makes a further saving.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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*Made*

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*Coming into force*

*3 November 2024*

The Welsh Ministers, in exercise of the powers conferred on them by section 211(3) and (4) of the Historic Environment (Wales) Act 2023(1), make the following Regulations.

In accordance with section 209(5)(h) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, Senedd Cymru.

**Title and coming into force**

1.—(1) The title of these Regulations is the Historic Environment (Wales) Act 2023 (Consequential Provision) (Primary Legislation) Regulations 2024.

(2) These Regulations come into force on 3 November 2024.

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(1) 2023 asc 3.

## Consequential provision and saving

2. Schedule 13 to the Historic Environment (Wales) Act 2023 is amended as follows.

3. After paragraph 9, insert—

*“The Harbours Act 1964 (c. 40)*

**9A.** In Schedule 3 to the Harbours Act 1964, in paragraph 1, in the definition of “sensitive area”, in paragraph (h), at the end insert “or section 3 of the Historic Environment (Wales) Act 2023”.

4. Omit paragraph 73.

5. After paragraph 106, insert—

**106A.** In section 17(4), omit “in relation to England”.

6. For paragraph 116, substitute—

**116.** Omit section 29.”

7. After paragraph 116, insert—

**116A.** In section 30—

(a) in subsection (1)—

(i) omit paragraph (c);

(ii) in the words after the paragraphs, for “those sections” substitute “section 28”;

(b) in subsection (2), omit “or 29”.

8. For paragraph 117, substitute—

**117.** In section 31—

(a) in subsection (2), for “28, 28B, 29, 44AC and 44D” substitute “28 and 44AC”;

(b) in subsection (4), for “sections 28 and 29” substitute “section 28”.

9. After paragraph 122, insert—

**122A.** In section 44AA(1) and in the heading before it, omit “in England” in both places it occurs.

**122B.** In the heading to section 44AB, omit “in England”.

**122C.** In the heading to section 44AC, omit “in England”.

10. In paragraph 124, before sub-paragraph (a) insert—

“(za) in subsection (1A), omit “in England”;  
”.

11. For paragraph 130, substitute—

**“130.** In section 54—

- (a) in subsection (2)—
  - (i) in paragraph (a), omit “if the building is in England,”;
  - (ii) omit paragraph (b) and the “or” before it;
- (b) in subsection (4), omit “, in the case of a building in England,”;
- (c) omit subsection (4A);
- (d) in subsection (5), omit “, in the case of works authorised under subsection (2)(a),”;
- (e) omit subsection (5A);
- (f) in subsection (6), omit “or (5A).”

**12.** For paragraph 145(b)(ii), substitute—

“(ii) omit “28B, 29,”.”

**13.** After paragraph 147, insert—

**“147A.** Omit section 86(3).”

**14.** In paragraph 148—

- (a) before sub-paragraph (a), insert—

“(za) in subsection (3ZA), omit “in England,”;
- (b) for sub-paragraph (b), substitute—

“(b) in subsection (4), for “, 28B, 29, 44AC or 44D” substitute “or 44AC”.”

**15.** In paragraph 152(a), at the end insert—

“(vi) in the entry for section 327ZA, omit “in England,”.”

**16.** For paragraph 153, substitute—

**“153.** In section 90—

- (a) in subsection (5), after “council of a county” insert “in England”;
- (b) in subsection (6)(b), for “29” substitute “28A”;
- (c) in subsection (7)(a), for “sections 28 or 29” substitute “section 28”.”

**17.** After paragraph 154, insert—

**“154A.** In section 92(2)(b), for “29” substitute “28A”.”

**18.** Omit paragraph 155(f).

**19.** In paragraph 158, for sub-paragraph (b) substitute—

“(b) in paragraph 2, for “, 44AB or 44C” substitute “or 44AB,”.”

**20.** In paragraph 161, for the words before the table substitute—

“**161.** The Planning and Compensation Act 1991 is amended as follows.

**161A.** In Schedule 6, omit paragraph 43.

**161B.** In Schedule 18—

- (a) omit the entry relating to section 29 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (b) after the entry relating to section 29(5) of the Land Drainage Act 1991 insert—”.

**21.** After paragraph 196, insert—

*“The Levelling-Up and Regeneration Act 2023 (c. 55)*

**197.** The Levelling-Up and Regeneration Act 2023 is amended as follows.

**198.** In section 102—

- (a) in subsection (3), for the words from “after subsection (2)” to the end substitute “in subsection (2), after “preserving” insert “or enhancing””;
- (b) in subsection (4)—
  - (i) before paragraph (a) insert—

“(za) in subsection (1), after “preserving” insert “or enhancing””;
  - (ii) for paragraph (b) substitute—

“(b) in subsection (2), after “preserving” insert “or enhancing”.”

**199.** In section 103—

- (a) omit subsections (3) to (6);
- (b) omit subsection (10)(b) and (c);
- (c) omit subsection (12)(a) and (c).

**200.** Omit section 105(3) and (4).”

**22.** In Schedule 14, Part 3, after paragraph 11, insert—

*“Building preservation notices in England: compensation*

**12.** The continuing operation of the saving made by section 105(4) of the Levelling-up and Regeneration Act 2023 is not affected by the repeal of that provision by paragraph 200 of Schedule 13 to this Act, by the repeal of section 29 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 by paragraph 116 of that Schedule, or by any other provision of that Schedule.”

*Name*

Minister for Culture, Skills and Social Partnership,  
under the authority of the Cabinet Secretary for  
Economy, Energy and Planning, one of the Welsh  
Ministers

Date